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ADMITTED IN NM*, NJ, NY*, NoTx*
*FEDERAL COURTS ONLY

August 22, 2008

Hon. Stephen C. Robinson
U.S. District Court
300 Quarropas St.
White Plains, NY 10601

RE: Patrick Fagan v. NCO et al
Case No.: 08-cv-6208

Honorable Judge Robinson:

This letter is regarding the Proposed Scheduling Order, due to be filed by the parties today. The parties are unable to reach an agreement regarding the dates. Defendant states that Plaintiff's proposed dates, with discovery to be completed by the end of December, 2008 is too short. 120 days for discovery is usual in these types of cases, if not generous. Defendant also states that since it wants to retain Dayle M. Van Hoose, who will be filing a Pro Hac Vice application, as its additional counsel (the current counsel is Kevin Barry McHugh), and in light of the fact the Ms. Van Hoose will be giving birth in October, 2008, Defendant wants a discovery period of six months. This would be an unnecessary delay of resolution of this case. Defendant should be urged to retain counsel who is not planning to take a medical leave. This matter is not complicated, and Defendants are merely looking to delay this action.

I am submitted both the Plaintiff's and the Defendant's proposed scheduling Orders for Your Honor's determination.

Respectfully yours,

_____/s/_____
Shmuel Klein
/za

cc: Kevin Barry McHugh

Enclosure

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
Patrick Fagan**CIVIL CASE DISCOVERY PLA
AND SCHEDULING ORDER**

Plaintiff(s),

- against -

08 Civ. 6208 (SCR)

NCO Financial Systems, Inc., et al.
Defendant(s).
-----X

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure. (Note: all proposed dates should be for weekdays only)

The case (is) (is not) to be tried to a jury.

Joinder of additional parties must be accomplished by October 3, 2008Amended pleadings may be filed until October 3, 2008**Discovery:**

1. Interrogatories are to be served by all counsel no later than October 7, 2008, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than October 7, 2008
3. Depositions to be completed by November 28, 2008
 - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
4. Any further interrogatories, including expert interrogatories, to be served no later than November 10, 2008

5. Requests to Admit, if any to be served no later than November 10, 2008
6. Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.
7. All discovery is to be complete by December 15, 2008

October 24, 2008 @ 10:00am

Initial Case Management Conference
(To Be Complete By Court) (Counsel in receipt of this scheduling order is to notify their adversary of the date and time of this Initial Case Management Conference)

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. _____, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

White Plains, New York

SO ORDERED

Dated:

Stephen C. Robinson U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PATRICK FAGAN,

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

Plaintiff,

v.

NCO FINANCIAL SYSTEMS, INC.,
ASSOCIATES NATIONAL BANK,
MBNA BANK,

Case No.: 7:08-cv-06208-SCR

Defendants.

-----X

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rule 26(f) and 16 of the Federal Rules of Civil Procedure.

The case is to be tried to a jury.

Joinder of additional parties must be accomplished by **January 30, 2009**.

Amended pleadings may be filed until **January 30, 2009**.

Discovery:

1. Interrogatories are to be served by all counsel no later than **April 24, 2009**, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than **April 24, 2009**.
3. Depositions to be completed by **April 24, 2009**.
 - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.

- c. Whenever possible unless counsel agree otherwise or the Court so orders, nonparty depositions shall follow party depositions.
4. Any further interrogatories, including expert interrogatories, to be served no later than **March 24, 2009**.
5. Requests to Admit, if any, to be served no later than **March 24, 2008**.
6. Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.
7. All discovery is to be complete by **April 24, 2008**.

Initial Case Management Conference **October 24, 2008 at 10:00 a.m.**

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. Lisa Margaret Smith, United States Magistrate Judge, at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

White Plains, New York

SO ORDERED

Dated:

Stephen C. Robinson U.S.D.J.